

Attorney Docket No. 37428.00109

REMARKS/ARGUMENTS

Claims 1-10, 13-34 and 49-144 are currently pending. Claims 1 and 10 have been amended. Claims 11, 12 and 35 – 48 have been cancelled. Newly added claim 51 incorporates the limitation of claim 12 that was indicated as allowable. Newly added claims 52-81 depend directly or indirectly from claim 51 and as such are allowable.

Claims 35-48, which were withdrawn as being drawn to non-elected inventions, have been cancelled and rewritten as claims 82-113. These claims and claims 115-145 are method claims that recited the limitations of the bifurcated stents that the examiner has indicated represent allowable subject matter. Since the Applicant elected examination of the product claims of Group I (claims 1-34 and 44-49) which have now been found allowable, Applicant respectfully requests rejoinder of the withdrawn process claims, which depend from the allowable product claims. (See MPEP § 821.04; (Official Gazette March 26, 1996 (1184 O.G. 86). These claims correspond to pending claims 82-147.

Applicant submits that no prohibited new matter has been introduced by the amendments, and written description support for the amended claims can be found throughout the specification.

The following issues are outstanding in the present application:

- Claims 1-10, 13-22, 24-34 and 50 were rejected under U.S.C. § 102(b) in view of Martin (U.S. Patent No. 5,653,743); and
- Claim 23 was rejected under U.S.C. § 103(a) in view of Martin (U.S. Patent No. 5,653,743).

Applicant respectfully traverses all of the rejections and requests reconsideration and withdrawal of the Examiner's outstanding rejection in light of the amendments and remarks contain herein.

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REJECTIONS UNDER 35 U.S.C. § 102

Applicant thanks Examiner Ho for indicating allowable subject matter. The amended claims above recite limitations not taught by the prior art. Application respectfully request reconsideration of the following rejections.

Claims 1-34 and 49 were rejected under 35 U.S.C. § 102(b) as purportedly anticipated by Martin (U.S. Patent No. 5,653,743). Applicant respectfully traverses this rejection.

A rejection under 35 U.S.C. § 102(b) is only appropriate where each and every feature set forth in the rejected claims is present in the cited reference. As amended, claim 1 is directed toward "a main covered stent having a main stent covered by a graft and defining an opening, and having a leading end, and a trailing end wherein the main covered stent tapers in cross-sectional diameter toward the trailing end and the leading end". Martin '743 does not disclose a sent wherein the main covered stent tapers in cross-sectional diameter toward the trailing end and the leading end.

Claims 2-34 and 50 depend directly or indirectly from claim 1 and, as such, include all of the limitations thereof. Thus, claims 1-34 and 50 are not anticipated by Martin '743 and withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

Claim 23 was rejected under 35 U.S.C. § 103(a) as purportedly obvious in view of Martin (U.S. Patent No. 5,653,743). Applicant respectfully traverses this rejection.

A rejection under 35 U.S.C. § 103(a) is only appropriate where each and every feature set forth in the rejected claims is present in the cited reference. Claim 23 depends directly from claim 1, which is allowable. Therefore, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

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CONCLUSION

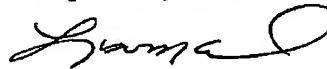
Upon entry of the foregoing amendment, Applicants respectfully believe that the above-reference application is in condition for allowance. Reconsideration and withdrawal of the outstanding rejections and early notice of allowance to that effect is respectfully requested.

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 13-3250, reference No. 37428.00114. **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 13-3250. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with C.F.R. § 1.136(a)(3).

If the Examiner finds that a telephone conference would further prosecution of this application, the Examiner is invited to contact the undersigned at 202-835-7504.

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Respectfully submitted,



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